



STATE LIBRARY™
NEW SOUTH WALES

CODE OF CONDUCT

2011

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1 Introduction

1.1 Policy Statement

Our mission is to strengthen the community by being the trusted provider of quality information services.

The people of New South Wales have a right to expect the business of the State to be conducted with efficiency, economy, fairness, impartiality and public sector integrity. At the State Library of New South Wales (the Library), we value the quality of our services to the community and the high professional standard of behaviour of our staff. The performance and reputation of the Library depend heavily on the conduct of each one of us.

The Code of Conduct applies equally to everyone in the Library. It aims to help staff to link their daily decision-making and actions to the Public Sector principles and the Library's mission and values.

If staff have any difficulty in deciding how to respond to a particular situation, they should not hesitate to ask their supervisor or branch Manager for help and advice.

The Library will:

- Provide appropriate induction, training and ongoing development to enable staff to carry out their work effectively
- Provide a clear description of duties and the necessary facilities, equipment and resources to enable work to be done
- Consult staff on matters that affect them
- Provide staff with timely and appropriate communication
- Treat staff fairly and professionally and in accordance with NSW Government policy.

Staff of the Library are expected to:

- Support the mission and values of the Library
- Contribute to a high quality responsive service for clients through well organised and maintained collections, equitable access and service policies, and skilful, accurate and unbiased responses to requests for information
- Act honestly and with integrity
- Promote confidence in the integrity of public administration and always act in the public interest and not in their private interest; protect the reputation of public sector agencies and not engage in activities, at work or outside work, that would bring the public sector into disrepute
- Implement the policies and decisions of the Government of the day in an impartial manner. In particular, employees must comply with any relevant legislative, industrial and administrative requirements

- Maximise the Library's resources through the appropriate use of authority, available resources and information for the work-related purpose intended
- Keep up-to-date with advances and changes in their areas of expertise and look for ways to improve performance and achieve high standards of service
- Work as a member of a team
- Treat members of the public and their colleagues fairly and consistently, in a non-discriminatory manner with proper regard for their rights and obligations. In this regard, they should perform their duties in a professional and responsible manner. They should also ensure that their decisions and actions are reasonable, fair and appropriate to the circumstances, based on a consideration of all the relevant facts, and supported by adequate documentation on Library records.

2 Guide on ethical decision making

In determining a course of action to perform their duties, the staff member should consider the following questions.

- Is the decision or conduct lawful?
- Is the decision or conduct consistent with government policy and in line with the Library's objectives and this Code of Conduct?
- What will the outcome be for the staff member, their work colleagues, the Library, and other parties?
- Do these outcomes raise a conflict of interest or lead to private gain at public expense?
- Can the staff member justify the decision or conduct in terms of the public interest and would it withstand public scrutiny?

3 Conflicts of Interest

3.1 Definition

A conflict of interest could arise if a staff member is influenced, or is perceived to be influenced, in carrying out the duties of their job by a personal interest.

Any actual or possible conflict of interest must be resolved in favour of the public interest.

Examples of situations that might give rise to a conflict of interest include:

- Financial interests in a matter concerning the Library, for example, obtaining three quotes for a piece of equipment one of which is from a relative or a friend or a company in which a staff member has a personal interest.

- Using information gained in the course of employment to gain benefit when privately collecting rare or original materials that are also collected by the Library.
- Interviewing a friend or relative for a job at the Library.
- Being involved in the Grants process for a public library in which a partner or relative holds a senior position.
- Acting as a spokesperson or representative for a political candidate or other party political activities that relate to the Library's work.

3.2 If a conflict of interest arises

Staff should discuss the situation with their supervisor or branch Manager and together decide upon an appropriate course of action. A record should be made of the relevant issues covered in the discussion, including the agreed course of action. This record should be forwarded to the Manager, Human Resources for information and file.

A range of options for dealing with the situation is available depending on the significance of the conflict.

These options include:

- It may be sufficient to record the details of the disclosure
- The staff member may relinquish the personal interest, or
- The staff member may transfer (at no disadvantage in terms and conditions of employment) from the area of work or particular task where the conflict arises.

Disputes over alleged conflicts of interests may be resolved through the Library's normal grievance handling procedures.

3.3 Intellectual Property/Copyright

Intellectual Property includes the rights to industrial designs, trademarks, service marks, and all other rights resulting from activity in the industrial, scientific, literary or artistic fields. The State of New South Wales is the owner of all intellectual property created by staff members in the course of employment unless a specific agreement has been made varying this principle, or where variation is allowed through a specific Library policy. Any agreement must have the appropriate approval and be consistent with any relevant Library policy. Staff members must clarify the intellectual property position through appropriate channels before making any use of that property.

4 Acceptance of gifts or benefits

As a general principle, staff should not accept gifts or benefits (including sponsorship) in the course of their employment and in no circumstance must a gift of cash be accepted. However, the acceptance of a gift of nominal value,

such as a token of appreciation, or minor hospitality with professional colleagues or government groups, is permitted in circumstances where there would be no suggestion of impropriety, for example acceptance of:

- A gift of nominal value where such gifts were being generally distributed (eg pens, calendars or folders with a company logo that are given to public officials at a conference)
- Free or subsidised meals and/or beverages provided infrequently by representatives of other public sector agencies or at government related functions
- A gift of nominal value where the giver is from a different cultural background and refusal may cause offence. Where a gift is estimated to be above the specified nominal value and refusal may cause offence, the gift may be accepted by a staff member; however the gift becomes the property of the State Library and the usual reporting procedure should be followed.
- A token of appreciation (eg a bottle of reasonably priced wine) following a talk or seminar presentation.

The nominal value for the acceptance of gifts is up to \$50.

Gifts, including offers of hospitality such as lunch, should not be accepted from people who currently or potentially supply goods and services to the Library. The reason for this is to avoid any appearance, real or perceived, that the gift has influenced the Library's decision to purchase from the supplier.

The primary considerations for a staff member when a gift or benefit is offered are:

- Acceptance must not influence or appear to influence the staff member's work or impartial decision-making;
- The value of the gift or benefit; and
- A gift must not be cash in any amount.

If a staff member believes he or she has been offered a bribe or is in any doubt about whether to accept a gift or benefit, the staff member is required to discuss the matter with their supervisor or branch Manager. The matter may also be referred the Manager, Human Resources for advice.

Staff who receive any gift, with the exception of published and original materials which are reported to the Manager, Collection Services or the Manager, Original Materials, must report the circumstances in writing to the Manager, Human Resources. If necessary, the matter will be referred to the Director, Finance and Strategy or the State Librarian for consideration.

The declaration must include the name of the person or organisation giving the gift or hospitality, a description of it, its value (if known)/or an estimate of its value and the circumstances in which it was given.

Where retention of a gift meets the criteria for the acceptance of gifts under this Code and does not give rise to any conflict of interest, generally approval will be given for the staff member to keep the item. Where staff are allowed to

retain non-token gifts or benefits, the file record should provide details of authorisation and the reasons for approval for retention of the gift.

Published or original materials given to staff members must be provided to the Manager, Collection Services or the Manager, Original Materials for addition to the collection or for donation to Public Libraries or other organisations as deemed appropriate.

Staff are not permitted to accept discounts from suppliers used by the Library on purchases for their personal use. Discounts for staff sanctioned by the State Library (eg at the Library café) are acceptable.

5 Discrimination and Harassment

Staff must not harass, discriminate or treat differently their colleagues or members of the public on the basis of their:

- Sex
- Marital status
- Pregnancy
- Age
- Race, colour, ethnic or ethno-religious identity, descent or nationality
- Disability (includes past, present, or possible future disability)
- Sexual preference or transgender identity
- Ethno-religion
- Carer's responsibilities
- Exposure to HIV/AIDS or other infectious diseases.

Such harassment or discrimination may constitute an offence under the *Anti-Discrimination Act 1977*. In addition, staff must not harass or discriminate on the grounds of political conviction or union affiliation.

More information on these issues is contained in the following policies available in the HR Guide:

- EEO Policy
- *Sexual Harassment Policy*

All staff are required to familiarise themselves with these policies and to apply them in the conduct of their daily work.

Supervisors must make sure that the workplace is free from all forms of harassment and discrimination. They should understand and apply the principles of equal employment opportunity and ensure that employees they supervise are informed of these principles. Supervisors should also take active measures to prevent and deal with harassment and discrimination in their work area.

6 Fairness and equity

Staff should treat other staff and clients fairly, equitably and with respect. When staff consider issues or cases in the course of their work, they should deal with them consistently, promptly and fairly. This involves dealing with matters in accordance with approved procedures, in a non-discriminatory manner, and in conformity with the principles of natural justice.

When using any discretionary powers, staff should ensure that they consider all relevant facts, have regard to the particular merits of each case, and not take irrelevant matters or circumstances into consideration.

7 Public comment on the work of the Library

Library staff are regularly invited to participate in public activities as part of their role at the Library, or as an acknowledged expert in a particular field. It is likely that the comments will spread to the community at large.

'Public comment' can be made by Library staff through:

- Presenting a paper or workshop at a seminar or conference
- Giving opinions in books, journals, conference papers or letters to newspapers
- Reviewing a book, a CD-ROM, or a collection of papers
- Representing the Library on a committee
- Public speaking engagements
- Making comments in the media.

Staff, as individual members of the community, have the right to make public comment and enter into public debate on political and social issues. However, there are some circumstances in which this is inappropriate. For example, situations when the public comment, although made in a private capacity, may appear to be an official comment on behalf of the Library. In such circumstances, staff should preface their remarks with a comment that they are made in a private or union capacity and do not represent the official view of the Library.

As a general rule, staff can disclose official information that is normally given to members of the public seeking that information, but should only disclose other official information or documents when:

- required in the course of their duties
- proper authority has been given
- required or authorised to do so by law
- called to give evidence in court.

In these cases, comments made by employees should be confined to factual information and should not, as far as possible, express an opinion on official policy or practice unless required to do so by the circumstances of the particular situation (for example, when asked to do so in court).

Comments made on matters pertaining to union business by members of unions in their capacity as a local delegate within the Library or by union office holders employed by the Library are permissible under this Code.

To ensure that the most appropriate person represents the Library, if staff receive public comment requests, permission must be obtained from the relevant Assistant State Librarian or Director before the staff member agrees to participate. Prior approval from the appropriate Assistant State Librarian or Director is required for any form of public comment including through books, journal articles, conference papers or letters to newspapers. A draft copy of a talk or paper must be submitted to the relevant Assistant State Librarian for approval via the relevant Manager at least five, and preferably ten days prior to submitting it for publication or delivery. A copy of a final version of a talk or paper should be forwarded to Records Management.

If representing the Library on a committee, the staff member is to ensure that copies of the agendas and meeting papers are placed on an appropriate file.

Media interview in any format should not be given without prior contact with and advice from the Manager, Media and Communications.

7.2 Giving Information to the Public

The Library is committed to providing a high quality and equitable service to the people of New South Wales. Staff must keep these values in mind in all dealings with the public. The information that staff give must be accurate, relevant and unbiased. As an employee of the Library, a staff member must not allow their personal views to influence the selection, use or access to information provided.

Staff are required to support and explain Library or government policy to clients even if they disagree personally with it. For example, where a client complains about Library pricing policy for products or services, staff should uphold and explain the policy rather than agreeing with the client.

If staff disagree with any Library policies, they should raise their concerns with their supervisor, branch Manager, divisional head or with the State Librarian.

8 Protecting Confidential Information

Confidential information, commercial information, sensitive information, or personal information about staff and clients must be managed and used appropriately, to ensure that confidentiality and security of the information is maintained. The *Privacy and Personal Information Protection Act 1998*, the *Health Records and Information Privacy Act 2002*, and the Library's Privacy Management Plan provide direction and guidance on the collection, use, and management of personal information. The collection, use and management of information held on official files and in Library records is covered by the *State Records Act 1998*, and the Library's Records Management Strategic Plan. Staff must not access information or records that are not relevant to the execution of their duties.

Staff should be careful about the content of information they distribute, particularly information transmitted in electronic format. Consideration should be given to issues of privacy, security, copyright and authorisation. Additional guidance on electronic information is available from the Library's Email Policy.

Staff must not disclose or use any confidential or sensitive, personal or commercial information unless authorised to do so. Unauthorised disclosures may cause harm to individuals or give an individual or another agency an improper advantage. The integrity and credibility of the Library may also be damaged if it appears unable to keep its information secure.

Staff must only use official information for its intended work related purpose and not for personal use or benefit.

These principles apply even after staff cease employment with the Library.

Staff must also ensure that confidential information, in any form, cannot be accessed by unauthorised persons and that sensitive information is only discussed with those authorised to have access to it.

Staff must not engage in business related conversations outside of designated work areas where such conversations may be overheard. This is particularly important in relation to mobile phone conversations and any discussions, particularly in public places, involving confidential or sensitive information.

9 Use of official facilities and equipment

The Library's resources include information technology hardware and software, other communication devices, facilities and equipment, stationery, furniture and furnishings, goods, supplies and services.

Staff are expected to be efficient, ethical and economical in their use and management of the Library's resources. Staff are personally accountable in their use of work resources and should not permit misuse by others. All usage of the Library's resources should be lawful, appropriate and ethical.

When using any Information and Communications Technology (ICT) systems, services or devices, staff must comply with the Information and Communications Technology Services Policy.

Private use

The Library acknowledges that family and community responsibilities impact on work and permits the use of its resources and devices for private purposes in limited circumstances. Private use must be infrequent, brief and involve minimal cost and should not interfere with the staff member's performance of work and must not involve activities that might be questionable, controversial or offensive. Beyond this private use concession, staff must only use Library resources for private purposes when official permission from their manager has been given. Private use of communication devices is not considered 'private' and employees using these devices do not have the same personal privacy rights as they would using private communication devices. Employees reasonably suspected of abusing the use of the Library's communication devices for private purposes may be asked to explain such use.

Telephone

When answering telephones, staff should ensure prompt and courteous attention to both the public and other staff members. Adequate telephone coverage in work areas should be ensured during business hours, particularly during lunch and tea breaks. For further information on best practice, staff are referred to Telephone Guidelines.

Use by Accredited Trade Union Delegates

Accredited trade union delegates are provided with reasonable access to Library facilities and services for authorised trade union activities. Delegates are accountable for use of all facilities and time spent on union activities. This use should be consistent with that expected of reasonable personal use.

10 Secondary employment

Staff may undertake paid secondary employment outside the Library subject to prior written permission being obtained from the State Librarian or delegate. The requirement for permission also applies to undertaking secondary employment during approved periods of paid or unpaid leave.

Generally, applications for permission to undertake secondary employment will be approved provided that the following criteria can be met:

- The proposed employment would not result in a conflict of interest for the Library, either real or perceived;
- The proposed employment is not likely to impact on the staff member's availability for duty or work performance; and
- Engagement in the proposed employment is not likely to bring the Library or the public service into disrepute.

Employees should complete the Application to Engage in Private Employment form when requesting to undertake secondary employment. This applies whether staff are working full-time, part-time or are employed on a temporary employment basis.

Where there has been any material change in the nature or circumstances of approved secondary employment, or the staff member's duties with the Library have changed to the extent that they could conflict with previously approved secondary employment, the staff member should submit a revised Application to Engage in Private Employment for approval of the changed circumstances.

11 Political and community participation

Staff must make sure that any participation in political activities does not conflict with their primary duty as a public employee to serve the government of the day in a politically neutral manner.

This is important because of the need to maintain Ministerial and public confidence in the impartiality of the actions taken and the advice given by public employees. What is considered appropriate by the State Librarian in any particular case will depend on the nature of the issue, the position held by the staff member, the extent of the staff member's participation, and their public prominence.

If staff become aware that a potential conflict of interest has arisen or might arise, they should inform the State Librarian immediately and may have to stop the political activity or withdraw from the areas of their work where the conflict is occurring.

Special arrangements apply to public employees who are contesting State or Federal elections. Details of these arrangements contained in Premier's Department Circular 2010-22. Advice on these matters may be obtained from the Human Resources Branch.

Within the context of the requirements of this Code, staff may fully participate as volunteers in community organisations and charities, and in professional associations.

12 Reporting corrupt conduct, maladministration and serious and substantial waste of public resources and Government Information Contravention

Staff are encouraged to report known or suspected incidences of corrupt conduct, maladministration or serious and substantial waste of public resources or government information contravention in accordance with the procedures described in the Department of Trade & Investment's *Internal Reporting – Public Interest Disclosures Policy*. Supervisors are to ensure that all staff are aware of these procedures.

Corruption is defined in the *Independent Commission Against Corruption (ICAC) Act 1988*. It can take many forms including taking or offering bribes, the dishonest use of influence, blackmail or fraud.

Maladministration is defined for the purposes of the *Public Interest Disclosures Act 1994* as conduct which involves action or inaction of a serious nature that is:

- contrary to law
- unreasonable, unjust, oppressive or improperly discriminatory
- based wholly or partly on improper motives.

The term serious and substantial waste is not defined in the *Public Interest Disclosures Act*. The Auditor-General provides the following working definition:

Serious and substantial waste refers to the uneconomical, inefficient or ineffective use of resources, authorised or unauthorised, which results in a loss/wastage of public funds/resources.

Government information contravention is defined for the purposes of the *Public Interest Disclosures Act 1994* as conduct of a kind that constitutes a failure to exercise functions in accordance with any provision of the *Government Information (Public Access) Act 2009*. For example, this could include:

- destroying, concealing or altering records to prevent them from being released, or
- knowingly making decisions that are contrary to the legislation, or
- directing another person to make a decision that is contrary to the legislation.

The *Public Interest Disclosures Act 1994* provides protection for people reporting wrongdoing by imposing penalties on anyone who takes detrimental action substantially in reprisal for them making the public interest disclosure. Penalties for action taken in reprisal that can be imposed include imprisonment and/or fines. It is a criminal offence under the *Public Interest Disclosures Act 1994* to willfully make a false or misleading statement when reporting wrong doing.

13 Post separation employment

Staff should not use their position with the Library to obtain opportunities for future employment. Staff should not allow themselves or their work to be influenced by plans for, or offers of, employment outside the Library. If they do, a conflict of interest arises and the integrity of both the staff member and the Library is at risk.

Former staff should not use, or take advantage of, confidential information that may lead to gain or profit obtained in the course of their official duties until it has become publicly available.

Staff should be careful in their dealings with former staff of the Library and make sure that they do not give them, or appear to give them, favourable treatment or access to privileged information.

14 Security considerations and requirements

14.1 Security in the Library

The Library is obligated to maintain the security of both staff and the collection. Staff must wear their security badge at all times. Staff are encouraged to politely question anyone without identification they do not know who they find in a non-public area. Any difficulties should immediately be referred to the Security control room. Staff should report unusual events and unclaimed packages and bags to Security.

6.14.2 Protecting the collection

The Library Collection is a valuable and important asset, which is held in trust for the use of future generations. Staff must take care to preserve the collection and to ensure its security. Staff are permitted to borrow certain material from the Library's collection on the condition that the approved loan procedures are followed. These procedures are available on the Library's intranet under Staff Loans Policy. Stealing or unofficial borrowing from the collection constitutes a serious offence and may result in disciplinary action.

15 Managing Lobbyists

When dealing with Lobbyists, staff are required to comply with the NSW Government Lobbyist Code of Conduct. Any allegations made during lobbying will be dealt with under the *Protocol for the management of allegations made to Ministers, ministerial staff or public officials during Lobbying*. The Code of Conduct and Protocol have been issued by Government to ensure that no undue influence occurs and transparency of decision making processes (for example the Public Library Grant Assessment process where State Library staff deal with public library staff, Council officers, General Managers and Councillors).

Staff who deal with lobbyists are encouraged to undertake the e-learning course on the *NSW Government Lobbyist Register and Code of Conduct*.

16 Dress standards

As a member of the Library's workforce delivering a service to the public, staff should dress in a well-groomed and neat manner. Staff appearance, as much as their manner and service delivery, is important in promoting the professional image of the Library.

The Library may require the wearing of specific attire eg. uniform requirements or attire necessary for occupational health and safety reasons.

Local workareas may negotiate specific arrangements eg. specific days may be designated as days when clean, casual attire may be worn. Any such arrangements must be agreed by the relevant branch Manager.

Staff should discuss with their supervisor where specific clothing is required due to medical reasons.

When deciding appropriate dress standards, managers should be careful to avoid possible discrimination against people from certain groups (such as religious groups or people with limited finances).

17 Employment responsibilities of the employer and employees

17.1 Child Protection policy and procedures

Staff who work with children and young adults are required to follow the *Code Of Conduct For Child Protection In The Workplace* as detailed in the HR guide.

17.2 Breach of Code of Conduct

Staff need to know the responsibilities of their employment and be aware that they impose certain conditions on them. These include adherence to this Code of Conduct. A breach of the Code of Conduct may result in disciplinary action under the provisions of the *Public Sector Employment and Management Act 2002*, and, in serious cases, civil action or criminal charges.

18 Occupational Health and Safety

All staff are expected to take reasonable care in regard to the health and safety of themselves and others, co-operate with the implementation of the Library's occupational health and safety policy and procedures and measures designed to ensure a safe and healthy workplace, including first-aid and emergency procedures.

All staff have a responsibility to immediately report to management *any real or perceived* hazard that has affected or may affect the health, safety and welfare of employees or people working in or visiting the premises. Hazards include any unsafe or unhealthy conditions, work practices or behaviours.

19 Relevant legislation

As New South Wales Government employees, staff are covered by a number of Acts and Regulations.

The most important of these are:

- *Anti-Discrimination Act 1977*
- *Crimes Act 1900*
- *Government Information (Public Access Act 2009*
- *Independent Commission Against Corruption Act 1988*
- *Industrial Relations Act 1996*
- *Library Act 1939 and Library Regulation 2010*
- *Occupational Health and Safety Act 2000*
- *Ombudsman Act 1974*
- *Privacy and Personal Information Protection Act 1998*
- *Health Records and Information Privacy Act 2002*
- *Public Interest Disclosures Act 1994*
- *Public Finance and Audit Act, 1983*
- *Public Sector Employment and Management Act 2002*
- *State Records Act 1998*
- *Workplace Surveillance Act 2005.*

Copies of these Acts are available in the State Reference Library or on the Internet at: *Australasian Legal Information Institute* or the Department of Premier and Cabinet.

This Code of Conduct will be reviewed and revised at least annually. Questions about the Code can be directed to the staff member's supervisor, Manager, or to Human Resources. Suggestions on improvements and adjustments are encouraged and can be directed to Human Resources.

This Code of Conduct applies to all staff of the Library including Executive, Managers and supervisors. The Code also applies to the extent practicable to labour hire or contractors engaged by the Library with the exception of building contractors.

If a staff member has any difficulties resolving any issues or problems relating to the Code of Conduct and resolution cannot be achieved through their supervisor, manager or the HR Branch, the staff member may ask for the matter to be reviewed as part of the Library's *Grievance Handling and Dispute Resolution policy and procedures*.